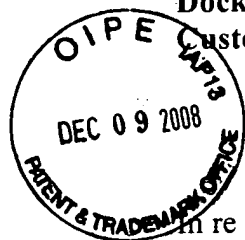


Docket No.: 13039:239 (CRAN01-00239)

PATENT

Customer No. 23990



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : James B. Prichard, et al.
United States Serial No. : 10/685,994
Filed : October 15, 2003
Title : DRUM TYPE VENDING MACHINE
Group Art : 3651
Examiner : Rakesh Kumar
Confirmation No. : 5835

MAIL STOP APPEAL BRIEF – PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

The Appellant has appealed to the Board of Patent Appeals and Interferences from the final rejection of the Examiner dated May 13, 2008, finally rejecting claims 1-20. The Appellant filed a Notice of Appeal, which was received by the Office on August 15, 2008. The Appellant respectfully submits this brief on appeal.

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REAL PARTY IN INTEREST

The real party in interest for this appeal is the assignee of the application, CRANE CO.

RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1-20 are pending. Claims 1-8, 10-15 and 17-20 have been rejected by the final Office Action dated May 13, 2008, which rejection is maintained in the Advisory Action mailed August 20, 2008. Claims 9 and 16 were indicated in the Advisory Action allowed. Claims 1-8, 10-15 and 17-20 are presented for appeal.

STATUS OF AMENDMENTS

No amendments to the claims were submitted following the final Office Action and prior to the Advisory Action. An amendment rewriting allowed claims 9 and 16 in independent form, canceling rejected claims 1, 4-8, 13 and 17-20, and amending claims 2-3, 11-12, and 14-15 to depend from allowed claims 9 and 16 was filed on August 27, 2008. No supplemental Advisory Action indicating whether those amendments would be entered for the purposes of appeal has been received.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The following summary refers to disclosed embodiments and their advantages but does not delimit any of the claimed inventions.

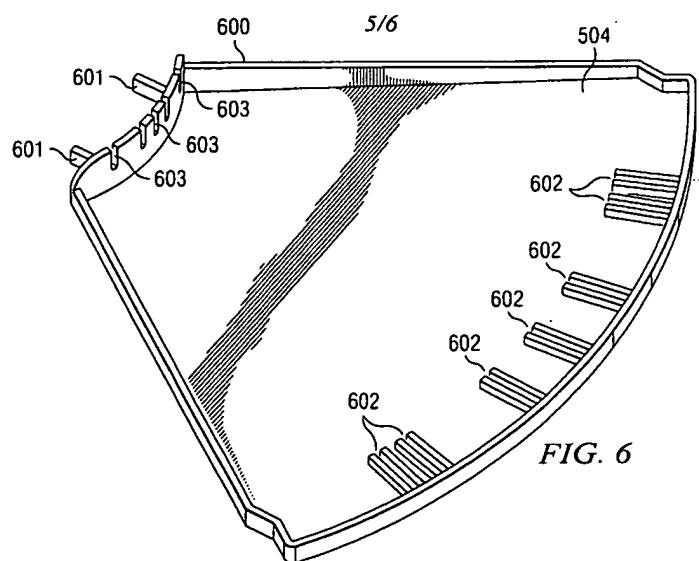
In General

The claimed subject matter relates generally to merchandising systems.

Support for Independent Claims

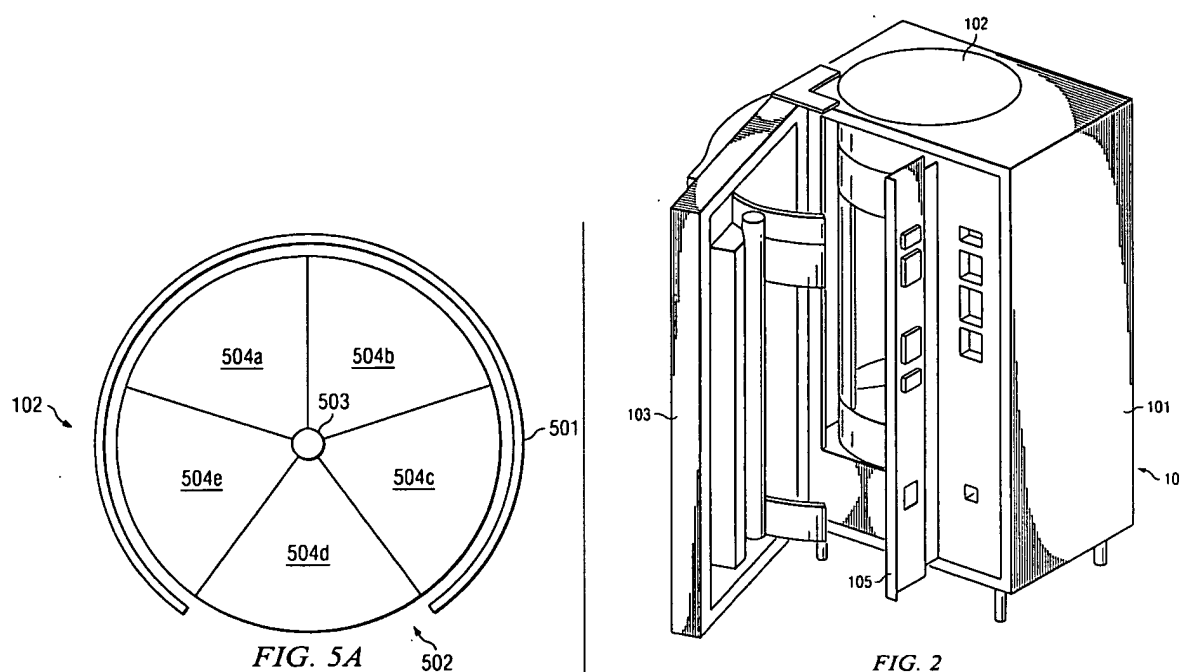
Note that, per 37 C.F.R. § 41.37, only the independent claims are discussed in this section. The discussion of the claims in this section is for illustrative purposes and is not intended to affect the scope of the claims.

In one embodiment, corresponding to independent claim 1, the claimed subject matter includes at least one tray 600 including one or more mounting supports 601:



Specification, Figure 6, page 14, lines 7-10. Mounting supports 601 allow the tray 600 to be

mounted on a center support member 503 within a vending machine 101:



Specification, Figures 2 and 5A-5B, page 12, line 18 to page 13, line 2. The tray has a periphery defined by (a) a first portion having first and second ends and abutting the support 503 along an entire length between the first and second ends when mounted (the portion including mounting supports 601 and slots 603 in Figure 6 above); (b) a second portion distal from the first portion (the portion at the terminal ends of raised guides 602 in Figure 6 above); (c) a third portion extending between the first end of the first portion and the second portion (the near radial edge in Figure 6 above); and (d) a fourth portion extending between the second end of the first portion and the second portion (the far radial edge in Figure 6 above).

The tray 600 is adapted to be divided into a plurality of tray zones by one or more tray

subdividers 700;

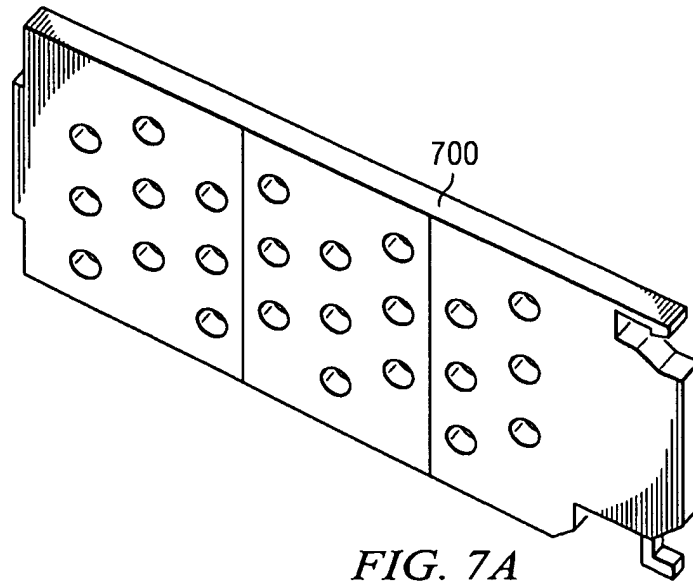


FIG. 7A

Specification, Figure 7A, page 14, lines 15-18. Subdividers 700 may be selectively mounted in any of two or more predetermined positions, at least one of the predetermined positions 1004 being radially askew from the first peripheral portion to the second peripheral portion:

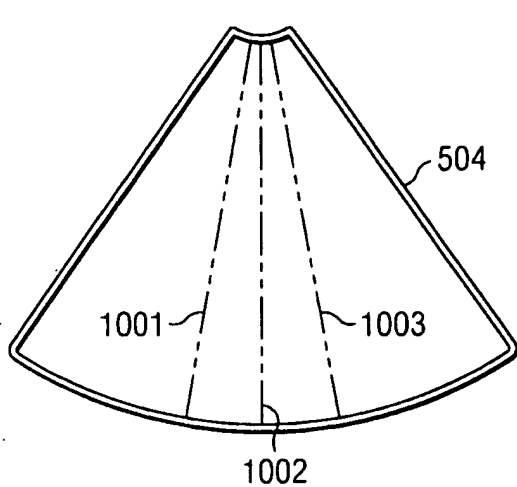


FIG. 10A

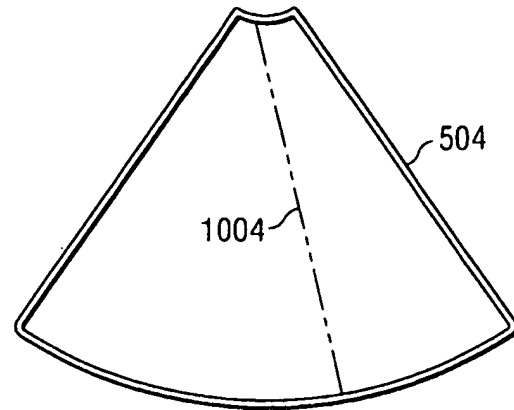
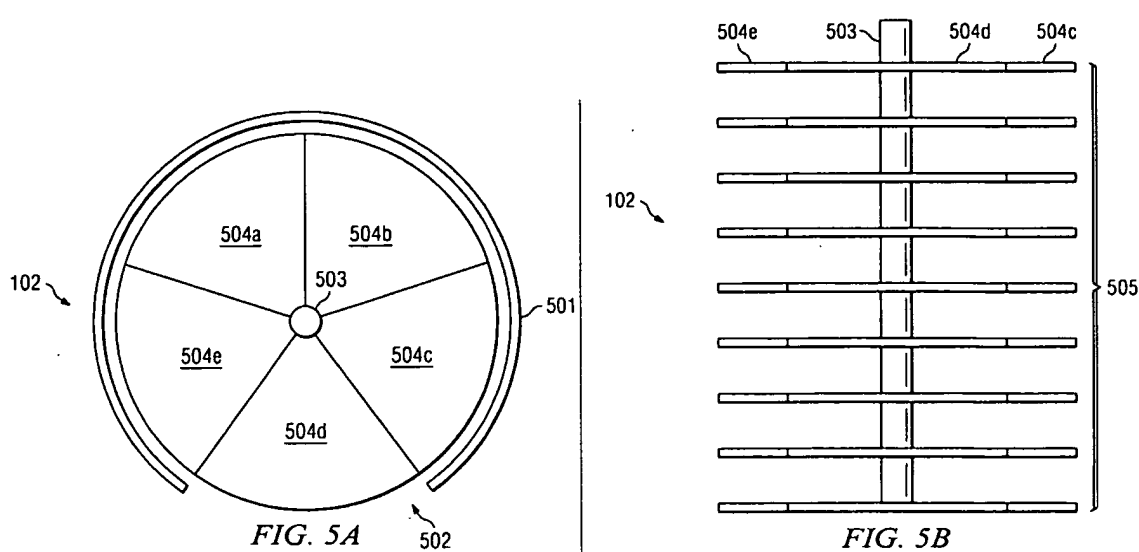


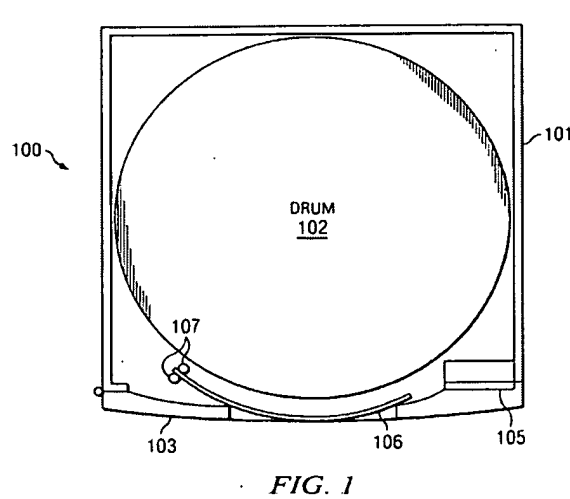
FIG. 10B

Specification, Figures 10A-10B, page 16, lines 14-20.

In a second embodiment, corresponding to independent claim 5, a merchandising system 101 includes a center support member 503, a plurality of trays 504a-504e/600 each including one or more mounting supports 601 for mounting the tray on the support 503, with the trays mounted on the center support. Specification, Figures 2, 5A-5B and 6, page 12, line 18 to page 13, line 2, page 14, lines 7-10. Five trays 504a-504e are mounted at each level of nine levels 505 spaced approximately five inches apart:



Specification, Figures 5A-5B, page 13, lines 3-6. Each tray may be divided into up to five tray zones by tray subdividers 700. Specification, Figure 10A, page 17, lines 3-4. A vend door 106 selectively movable between a closed position and an open position is disposed at each level proximate to an outer edge of one of the trays at that level:



Specification, Figures 1-3, page 10, lines 6-15, page 11, lines 1-12. The tray subdivider 700

stops the vend door 106 so that, when in the open position, the vend door 106 permits access to only one tray zone of the one tray. Specification, page 13, line 19 to page 14, line 2, page 15, line 17 to page 16, line 2. The center support member 503 may be selectively rotated to position any selected tray zone on any of the plurality trays proximate to the vend door so that the selected tray zone is accessible when the vend door is in the open position. Specification, page 13, line 19 to page 14, line 2, page 15, line 17 to page 16, line 2.

In a third embodiment of the claimed subject matter, corresponding to independent claim 7, a tray 600 includes one or more mounting supports 601 for mounting the tray on a support 503 within a vending machine 101 is adapted to be divided into a plurality of tray zones by one or more tray subdividers 700. Specification, Figures 6, 7A and 10A-10B, page 14, lines 7-10 and 15-18, page 16, lines 14-20. The tray 600 includes at least one of a slot 603 or a guide 602 selectively receiving a tray subdivider 700 separating one tray zone from another. Specification, page 14, lines 5-10. The tray(s) 600 are mounted on a center support member 503, with a vend door 106 selectively movable between a closed position and an open position disposed proximate to an outer edge of the tray(s) and, when in the open position, permitting access to only one tray zone. Specification, Figures 1-3, page 10, lines 6-15, page 11, lines 1-12, page 13, line 19 to page 14, line 2, page 15, line 17 to page 16, line 2, line 17 to page 16, line 2. A catch on the tray subdivider controls a distance that the vend door moves between the open and closed positions based upon a size of a tray zone positioned proximate to an edge of the vend door. Specification, page 15, lines 17-23.

In a fourth embodiment corresponding to independent claim 10, a method of operating a merchandising system includes providing at least one tray 600 including one or more mounting supports 601 for mounting the tray on a support 503 within a vending machine 101. Specification, Figures 2 and 5A-5B, page 12, line 18 to page 13, line 2. The tray 600 is adapted for division into a plurality of tray zones. Specification, Figure 10A, page 17, lines 3-4. The tray has a periphery defined by (a) a first portion having first and second ends and abutting the support 503 along an entire length between the first and second ends when mounted (the portion including mounting supports 601 and slots 603 in Figure 6 above); (b) a second portion distal from the first portion (the portion at the terminal ends of raised guides 602 in Figure 6 above); (c) a third portion extending between the first end of the first portion and the second portion (the near radial edge in Figure 6 above); and (d) a fourth portion extending between the second end of the first portion and the second portion (the far radial edge in Figure 6 above). Tray zones are separated from each other with a radially askew tray subdivider 1004 extending from the first portion to the second portion. Specification, Figures 10A-10B, page 16, lines 14-20.

In a fifth embodiment, corresponding to claim 17, a merchandising system 101 includes an enclosure 501 around at least a portion of a drum perimeter. Specification, Figure 5A, page 12, lines 18-21. Tray(s) 600 are mounted on a center support member 503 within the enclosure 501 at each of a plurality of different levels. Specification, Figures 5A-5B, page 12, lines 21-23. Each tray having a periphery defined by (a) a first portion having first and second ends and abutting the support 503 along an entire length between the first and second ends when mounted

(the portion including mounting supports 601 and slots 603 in Figure 6 above); (b) a second portion distal from the first portion (the portion at the terminal ends of raised guides 602 in Figure 6 above); (c) a third portion extending between the first end of the first portion and the second portion (the near radial edge in Figure 6 above); and (d) a fourth portion extending between the second end of the first portion and the second portion (the far radial edge in Figure 6 above). At least one radially askew tray subdivider extends from the first portion to the second portion of a tray and separates one tray zone on the respective tray from another. Specification, Figures 10A-10B, page 16, lines 14-20. A vend door 106 disposed proximate to an opening 502 through the enclosure 501 at each of the different levels, the vend door at a level corresponding to a tray having a tray subdivider mounted thereon and selectively movable between a closed position and an open position determined by the tray subdivider when the tray having the tray subdivider is aligned with the vend door. Specification, Figures 1-3, page 10, lines 6-15, page 11, lines 1-12, page 13, line 19 to page 14, line 2, page 15, line 17 to page 16, line 2, line 17 to page 16, line 2. The vend door 106, when in an open position, and the tray subdivider permit access to only one tray zone on a corresponding tray. Specification, page 13, line 19 to page 14, line 2, page 15, line 17 to page 16, line 2.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Were claims 1–6 and 8–15 properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,285,926 to *Falk et al* in view of U.S. Patent No. 4,317,604 to *Krakauer*?

2. Were claims 7 and 16–20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Falk et al* in view of *Krakauer* and further in view of U.S. Patent No. 5,313,393 to *Varley*?

ARGUMENT

1. GROUND OF REJECTION #1

Claims 1–6 and 8–15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Falk et al* in view of *Krakauer*.

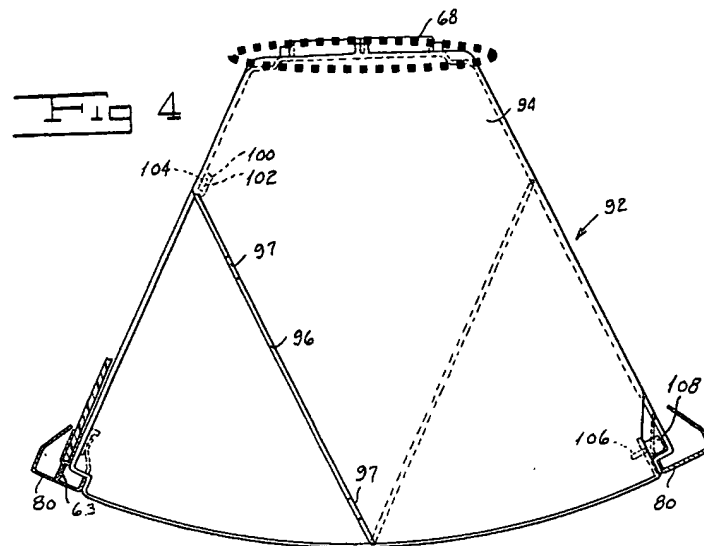
In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 7 July 2008). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some reason – such as a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. MPEP § 2142, pp. 2100-127 to 2100-128 (8th ed. rev. 7 July 2008); MPEP § 2143, pp. 2100-128 to 2100-139; MPEP § 2143.01, pp. 2100-139 to 2100-141. Second, there must be a reasonable expectation of success. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008).

Claims 1-4 and 8–15

Independent claims 1 and 10 each recite one or more tray subdividers that may be selectively mounted in any of two or more predetermined positions, at least one of the

predetermined positions being radially askew, extending from the first portion of the tray's periphery to a second portion of the periphery. The claims further define the first portion of the tray periphery as having first and second ends and abutting the support along an entire length between the first and second ends when mounted. Thus at least one end of the radially askew subdivider must terminate at the portion of the tray abutting the column when the tray is mounted. Such a feature is not found in the cited references. *Krakauer*, cited in the Office Action as teaching this feature, actually teaches a tray subdivider extending from a portion of the tray periphery defined in the claims as the third or fourth periphery portion, extending between ends of the first periphery portion (abutting the support column) to a second periphery portion distal from the first periphery portion. *Krakauer* discloses a tray 64 having a locating member 68 extending from a rear portion of the periphery of the tray 64 and received by a slot 70 within the support column 36. It is the portion of the periphery of the tray 64 from which the locating member 36 protrudes that abuts the support column 36 when the shelf dividing member 92 is mounted to the support column 36. Accordingly, only that portion of the periphery of the tray 64, circled by a thick dotted line below, can satisfy the claim limitation that the first periphery portion abut the support along an entire length between the first and second ends of the first periphery portion when the tray is mounted to the support:



Baffle 96 does not extend from that periphery portion of tray 64, and therefore does not satisfy the claims. The portion of the periphery of tray 64 in *Krakauer* at recess 104, cited in the Office Action, does not satisfy the limitation of a “first portion” of the periphery as that portion is defined within the claims. Accordingly baffle 96 is not “radially askew from the first [tray periphery] portion to the second portion.”

Moreover, to the extent that the Office Action urges that some unstated reason exists to modify *Krakauer* to achieve the claimed invention, the claim requires a tray allowing that tray subdividers to be selectively mounted in the radially askew position. No explanation is offered in the Office Action for how such selective mounting could be achieved with one end at the tray periphery portion abutting the support column when mounted.

The Office Action states:

It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the teachings of Falk to include subdividers positioned in a radially askew orientation in a tray as taught by Krakauer because positioning subdividers is [sic] an askew orientation would reduce wastage of tray space.

It would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Falk in view of Krakauer to position subdividers in a radially askew orientation wherein the subdivider extend [sic] from the inner central portion of the tray to a position on the outer edge of the tray, thus the subdivider are disposed in a radially askew direction to the central support column of the vending machine in order to further customize the tray zone sizes.

Paper No. 20080512, pages 3-4. However, the record contains no support for the conclusory statements within the Office Action, and the “motivation” proposed is nothing more than hindsight reconstruction of the invention, packaging the result of the changes as a purported incentive. No explanation is given for how the radially askew subdividers “reduce[s] wastage of tray space,” and the general “incentive” to “further customize the tray zone sizes” is mere circular logic by which the modification is self-justified by the result. Moreover, the Office Action fails to make a determination as to the level of ordinary skill in the relevant art at the time that the invention was made. Accordingly, the rejection is arbitrary and capricious.

Claims 5-6

Independent claim 5 recites five trays mounted at each of nine levels and spaced approximately five inches apart. This combination of trays, levels and spacing is disclosed in the specification (paragraphs [0030]-[0031]) as allowing placement of soft drink cans and nine inch platters on tray sections. Nothing in the cited references suggests such a combination of these features. In connection with this limitation, the Office Action states:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Falk in view of Krakauer to include only five tray at each level on the center support member (34) versus six trays as specifically taught by Falk (also see 7 trays taught in Krakauer; Figure 2) because a five tray vending machine would be smaller in size and thus require a smaller footprint.

It would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Falk in view of Krakauer to include a distance between each level of the tray platform to be five inches apart. Such a selection would represent a mere design choice of space required for displaying the target items and be well within the level of skill of an artisan.

Paper No. 20080512, page 6. However, the use of five trays rather than six or seven would not necessarily result in a smaller footprint vending machine. The number of trays employed merely relates to how a 360° area is divided; the footprint of the vending machine will depend more on the radial dimension of the trays, which is not dependent upon the number of trays employed at a given level. With respect to the assertion that five inch spacing between tray levels would be “a mere design choice,” to the extent the Office Action asserts that the recited configuration is *per se* obvious, obviousness inquiries have been deemed not to be amenable to *per se* rules due to their highly fact-specific and fact-intensive nature. *In re Ochiai*, 71 F.3d 1565, 1569 (Fed. Cir. 1995). Mere citation of a *per se* rule regarding what constitutes obvious modifications, without identifying a motivation or incentive for the proposed modification, does not establish a *prima facie* case of obviousness. In addition, the record contains no support for the conclusory statements within the Office Action, and the “motivation” proposed is nothing more than hindsight reconstruction of the invention, packaging the result of the changes as a purported incentive. Moreover, the Office Action fails to make a determination as to the level of ordinary

skill in the relevant art at the time that the invention was made. Accordingly, the rejection is arbitrary and capricious.

2. GROUND OF REJECTION #2

Claims 7 and 16–20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Falk et al* in view of *Krakauer* and further in view of *Varley*.

Claim 7

Independent claim 7 recites a catch on the tray subdivider stopping the vend door. Such a feature is not found in the cited references. The Office Action concedes that none of the cited references teach placing the door catch on the tray subdivider:

Falk et al. does not disclose using a catch on a tray subdivider for controlling the distance of the vend door opening.

Varley teaches of positioning the catch mechanism on the outside of the level tray (Figure 5) but does not disclose positioning the tray latch pin (57) on the partition subdividers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Falk in view of Krakauer and Varley to include (incorporate) latch pins disposed on the subdividers to control the size of access to proximate to the position of the location of the subdividers because the control mechanism will not be need to be calibrated once the sizes of the tray zones is changed as different size products are set to be displayed.

Paper No. 20080512, pages 8-9. The “motivation” proposed in the Office Action improperly employs the teachings of the subject application. Moreover, it should be noted that the latch pin 57 is not a stop for controlling opening of the door, but is instead a mechanism for allowing the user to rotate the shelves 24a, 24b, etc. by opening the door. In addition, the record contains no

support for the conclusory statements within the Office Action, and the “motivation” proposed is nothing more than hindsight reconstruction of the invention, packaging the result of the changes as a purported incentive. Moreover, the Office Action fails to make a determination as to the level of ordinary skill in the relevant art at the time that the invention was made. Accordingly, the rejection is arbitrary and capricious.

Claims 16-20

Independent claim 17 recites one or more tray subdividers that may be selectively mounted in any of two or more predetermined positions, at least one of the predetermined positions being radially askew, extending from the first portion of the tray’s periphery to a second portion of the periphery, where the first portion of the tray periphery is further defined by the claim as having first and second ends and abutting the support along an entire length between the first and second ends when mounted. Accordingly, claim 17 is patentable for the same reasons described above in connection with independent claims 1 and 10.

Claim 16 depends from claim 10, and is patentable for the same reasons described above in connection with independent claim 10.

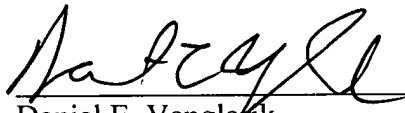
CONCLUSION

The cited reference do not depict or suggest all features of the claimed invention in the appealed claims. Therefore, the rejection under 35 U.S.C. § 103 is improper. Applicant respectfully requests that the Board of Appeals reverse the decision of the Examiner below rejecting the pending claims in the application.

Respectfully submitted,

MUNCK CARTER, P.C.

Date: 12-9-2008


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Docket No.: 13039:239 (CRAN01-00239)
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : James B. Prichard, et al.
United States Serial No. : 10/685,994
Filed : October 15, 2003
Title : DRUM TYPE VENDING MACHINE
Group Art : 3651
Examiner : Rakesh Kumar
Confirmation No. : 5835

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
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APPENDIX A

PENDING CLAIMS APPENDIX

1. A merchandising system comprising:

at least one tray including one or more mounting supports for mounting the tray on a support within a vending machine,

the tray having a periphery defined by a first portion having first and second ends and abutting the support along an entire length between the first and second ends when mounted, a second portion distal from the first portion, a third portion extending between the first end of the first portion and the second portion and a fourth portion extending between the second end of the first portion and the second portion,

the tray adapted to be divided into a plurality of tray zones by one or more tray subdividers that may be selectively mounted in any of two or more predetermined positions, at least one of the predetermined positions being radially askew from the first portion to the second portion.

2. The merchandising system according to claim 1, wherein the tray includes a plurality of slots, a plurality of guides, or both selectively receiving a plurality of tray subdividers separating at least three zones on the tray.

3. The merchandising system according to claim 1, wherein the tray zones are of unequal sizes.

4. The merchandising system according to claim 1, further comprising:
 - a center support member on which the at least one tray is mounted; and
 - a vend door disposed proximate to an outer edge of the at least one tray, wherein the vend door is selectively movable between a closed position and an open position, wherein the vend door, when in the open position, permits access to only one tray zone.

5. A merchandising system comprising:

a center support member;

a plurality of trays each including one or more mounting supports for mounting the tray on a support within a vending machine, the plurality of trays mounted on the center support member, wherein five trays are mounted at each level of nine levels spaced approximately five inches apart; and

a vend door disposed at each level proximate to an outer edge of one of the trays at that level, wherein the vend door is selectively movable between a closed position and an open position,

wherein each tray may be divided into up to five tray zones,

wherein the vend door, when in the open position, permits access to only one tray zone of the one tray, and

wherein the center support member may be selectively rotated to position any selected tray zone on any of the plurality trays proximate to the vend door so that the selected tray zone is accessible when the vend door is in the open position.

6. The merchandising system according to claim 5, wherein a distance between the open and closed positions for the vend door is defined by at least one tray subdivider.

7. A merchandising system comprising:

at least one tray including one or more mounting supports for mounting the tray on a support within a vending machine, the tray adapted to be divided into a plurality of tray zones by one or more tray subdividers, wherein the tray includes at least one of a slot or a guide selectively receiving a tray subdivider separating one tray zone from another;

a center support member on which the at least one tray is mounted;

a vend door disposed proximate to an outer edge of the at least one tray, wherein the vend door is selectively movable between a closed position and an open position, wherein the vend door, when in the open position, permits access to only one tray zone; and

a catch on the tray subdivider controlling a distance that the vend door moves between the open and closed positions based upon a size of a tray zone positioned proximate to an edge of the vend door.

8. The merchandising system according to claim 4, further comprising:

an enclosure having an opening within at least a sidewall, wherein the vend door is positioned over a portion of the opening when in the closed position;

a motor for rotating the center support member; and

controls that, when actuated, rotate the center support member to position a selected tray zone proximate to the vend door.

9. The merchandising system according to claim 8, further comprising:

a plurality of trays, including the at least one tray, each mounted on the center support member at one of a plurality of different levels, each tray adapted to be divided into a plurality of tray zones and including at least one of a slot or a guide selectively receiving a tray subdivider separating one tray zone from another; and

a plurality of vend doors, including the vend door, each associated with a different level and each separately selectively movable between an open position and a closed position, wherein each vend door, when in the open position, permits access to only one tray zone on a corresponding tray.

10. A method of operating a merchandising system comprising:

providing at least one tray including one or more mounting supports for mounting the tray on a support within a vending machine, the tray adapted for division into a plurality of tray zones, the tray having a periphery defined by a first portion having first and second ends and abutting the support along an entire length between the first and second ends when mounted, a second portion distal from the first portion, a third portion extending between the first end of the first portion and the second portion and a fourth portion extending between the second end of the first portion and the second portion; and

separating one tray zone from another with a radially askew tray subdivider extending from the first portion to the second portion.

11. The method according to claim 10, further comprising:

separating at least three zones on the tray with a plurality of tray subdividers selectively received by a plurality of slots, a plurality of guides, or both on the tray.

12. The method according to claim 10, further comprising:

separating the tray into tray zones of unequal sizes.

13. The method according to claim 10, further comprising:
mounting the at least one tray on a center support member; and
selectively moving a vend door disposed proximate to an outer edge of the at least one tray between a closed position and an open position, wherein the vend door, when in the open position, permits access to only one tray zone.

14. The method according to claim 13, further comprising:
mounting a plurality of trays, including the at least one tray, on the center support member, wherein five trays are mounted at each level of nine levels spaced approximately five inches apart;
selectively rotating the center support member to position any selected tray zone on any of the plurality trays proximate to the vend door so that the selected tray zone is accessible when the vend door is in the open position; and
associating prices individually with each tray zone on each tray at each level.

15. The method according to claim 13, further comprising:

moving the vend door a first distance between the open and closed positions when a first tray zone is positioned proximate to the vend door; and

moving a second distance between the open and closed positions when a second tray zone is positioned proximate to the vend door.

16. The method according to claim 13, further comprising:

controlling a distance that the vend door moves between the open and closed positions based upon a tray subdivider defining a tray zone positioned proximate to an edge of the vend door.

17. A merchandising system comprising:

an enclosure around at least a portion of a drum perimeter;

a center support member within the enclosure;

at least one tray mounted on the center support member at each of a plurality of different levels, each tray having a periphery defined by a first portion having first and second ends and abutting the center support member along an entire length between the first and second ends when mounted, a second portion distal from the first portion, a third portion extending between the first end of the first portion and the second portion and a fourth portion extending between the second end of the first portion and the second portion, each tray adapted to be divided into a plurality of tray zones;

at least one radially askew tray subdivider extending from the first portion to the second portion of a tray, the tray subdivider separating one tray zone on the respective tray from another; and

a vend door disposed proximate to an opening through the enclosure at each of the different levels, the vend door at a level corresponding to a tray having a tray subdivider mounted thereon selectively movable between a closed position and an open position determined by the tray subdivider when the tray having the tray subdivider is aligned with the vend door,

wherein the vend door, when in an open position, and the tray subdivider permit access to only one tray zone on a corresponding tray.

18. The merchandising system according to claim 17, wherein the tray zones are of unequal sizes.

19. The merchandising system according to claim 17, wherein a distance that the vend door moves between the open and closed positions depends on a position of the tray subdivider relative to an edge of the tray.

20. The merchandising system according to claim 17, wherein at least one of the trays has a plurality of tray subdividers separating at least three tray zones on the tray.

Docket No.: 13039:239 (CRAN01-00239)
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : James B. Prichard, et al.
United States Serial No. : 10/685,994
Filed : October 15, 2003
Title : DRUM TYPE VENDING MACHINE
Group Art : 3651
Examiner : Rakesh Kumar
Confirmation No. : 5835

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPENDIX B

EVIDENCE APPENDIX

None

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APPENDIX C

RELATED PROCEEDINGS APPENDIX

None